

**MINUTES MEETING  
Town of Halfmoon Planning Board  
August 22, 2016**

Those present at the August 22, 2016 Planning Board meeting were:

Planning Board Members: Don Roberts – Chairman - absent  
John Ouimet-absent  
Tom Ruchlicki  
John Higgins  
Marcel Nadeau - Vice Chairman  
Tom Koval  
Richard Berkowitz  
Cory Custer-absent

Planning Board Alternates: Margaret Sautter-absent  
Mike Ziobrowski

Director of Planning: Richard Harris  
Planner: Paul Marlow

Town Attorney: Lyn Murphy  
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski  
Jeremy Connors

*Vice Chairman Marcel Nadeau opened the Planning Board Meeting at 7:00 pm*

*Richard Berkowitz made a motion to approve the Minutes from the June 27, 2016 meeting. John Higgins seconded. Motion Approved.*

*Richard Berkowitz made a motion to approve the appointment of Marcel Nadeau as Vice Chairman of the Planning Board. John Higgins seconded. Motion Approved.*

**New Business:**

**16.134                    Education Center at Halfmoon Heights MHP, Cemetery Road - Site Plan**

**Tom O'Brien:** Tom O'Brien from Garden Homes, I'm the regional manager from Garden Homes. We approved this last May, I screwed up, I sent in an application for the Building Dept. and they informed me that the approval had expired. I'm back in front of you to re-new the approval and to get this thing going right away.

**Marcel Nadeau:** Do you have any changes to the site plan at all?

**Tom O'Brien:** No, none what so ever.

**Marcel Nadeau:** Questions from the board?

**John Higgins:** As far as the approval on the rear storage parking lot, we also gave you a while ago you had mentioned at that time that you were going to get a lot of the excess vehicles, trailers and everything and move them into that storage area what's the status of that?

**Tom O'Brien:** We have sent letters to everybody informing them that's available free of charge to do so and we're in the process of getting as many as we can there.

**John Higgins:** Yea cause that, the approval we gave you at that time was based on the fact that you were trying to clean the place up and get some of those excess vehicles back there.

**Tom O'Brien:** I understand that and I believe we are trying to clean the place up, I don't know if you've driven through it?

**John Higgins:** I have and that's why I mentioned when I saw this on the agenda, I made a point of driving through it. We were working with you trying to get that cleaned up.

**Tom O'Brien:** And I agree and we are trying to do the same thing so.

**John Higgins:** Ok

**Tom O'Brien:** Ok

**Marcel Nadeau:** Any other questions?

*Rich Berkowitz made a motion to approve the Site Plan Renewal. Tom Koval seconded. Motion Approved.*

**Tom O'Brien:** Thank you.

## **16.128                    Howland Park, Tortoise Drive - Sign**

**Brandon Marini:** Hello all, Brandon Marini of Marini Homes here requesting approval for entrance sign for the back entrance located at Tortoise Drive of our Howland Park Subdivision.

**Marcel Nadeau:** So this is a different location than the original sign?

**Brandon Marini:** Correct yes, this will be the back entrance at Johnson and Tortoise Drive, parcel D.

**Marcel Nadeau:** Rich this meets all the approvals?

**Richard Harris:** Yes, it's over closer to the re-aligned, I would call it intersection, but the new turn Johnson Road to the west. Yea its designed just like the other sign if you recall last Fall or so they'd come in with the same sign but it was higher and you requested they lower it to 6 ft. this will be as shown under I think its 62" inches to the top of the sign and 72" inches to the top of the post so this matches the set back location the height area, it meets the zoning ordinance.

**Marcel Nadeau:** Any questions from the board?

*Rich Berkowitz made a motion to approve Howland Park's Sign Application. Tom Ruchlicki seconded. Motion Approved.*

**Brandon Marini:** Thank you.

**16.137**                    **Plant Road Estates PDD (Orchard Pointe) Plant Road -Sign**

**Tom Samascott:** Tom Samascott Malta Development here for approval of the sign, any questions, pretty simple.

**Marcel Nadeau:** Any questions from the board?

**Rich Berkowitz:** I just wanted you to know there another development with a sign that says Orchard Park you might want to tell your residents there's two Orchards there so not to get them mixed up.

**Tom Samascott:** And one in the middle.

**Rich Berkowitz:** Huh?

**Tom Samascott:** And a real one in the middle.

**Rich Berkowitz:** Yes

*Rich Berkowitz made a motion to approve Plant Road Estates Sign Application. Tom Koval seconded. Motion Approved.*

**Tom Samascott:** Thank you.

**16.131**                    **Spare Lots, 411 Route 146 - Amendment to Site Plan**

**Jason Dell:** Good evening, my name is Jason Dell I'm an engineer with Lansing Engineering here on behalf of the applicant for the amendment to the Spare Lots Office Building Site Plan. As you all are pretty well aware the project is under way under construction out there on 146 and we are here to request the amendment to relocate the eastern entrance where it was originally proposed right here down about 120 ft to the west to the alternate location. That location that we're moving it to is basically as you go by there right now where the trailer is right now in that existing driveway, that used to go back to service the old house that was back here so its about in the same location as that driveway was situated. We've already run the change by DOT, DOT is agreeable to the change. We sent that correspondence along to Rich and Joe of CHA, we also looked at the site distance at the new entrance location and it exceeds all of the requirements for actually a 55 mph zone even though this is a 45 mph zone. Creighton Manning when they did their study they based everything on a 55 mph average speed out there. So we are here to make that request.

**Marcel Nadeau:** Any questions from the board?

**Rich Berkowitz:** It still meets the basic parking requirements?

**Jason Dell:** No parking has changed just strictly with the entrance.

**Tom Koval:** Make a motion.

*Tom Koval made a motion to approve Spare Lots Site Plan Amendment. Rich Berkowitz seconded. Motion Approved.*

**Jason Dell:** Thank you.

**16.129**      **Fredette's Auto body, 12 Firehouse Road - Change of Tenant/Use**

**Scott Fredette's:** How are you doing, I'm Scott Fredette owner of Fredette's Auto body.

**Lyn Murphy:** Could you say your name again I'm sorry?

**Scott Fredette:** Scott Fredette.

**Marcel Nadeau:** Address?

**Scott Fredette:** My business is 12 Firehouse Road.

**Marcel Nadeau:** And what is it that you're doing?

**Scott Fredette:** Pardon?

**Marcel Nadeau:** What is it that your doing with your auto body and

**Scott Fredette:** Light auto body and auto detailing.

**Marcel Nadeau:** Board members any questions?

**John Higgins:** Are you going to be doing any painting?

**Scott Fredette:** Very little.

**John Higgins:** Ok cause obviously if you are doing extensive painting you know you need a down draft booth.

**Scott Fredette:** Yea, I do almost like mostly spot panels, that about it, I don't do like much more than like a fender or a corner of a bumper I don't do completes or nothing like that, I don't get involved in that it's too small a shop.

**John Higgins:** Ok and you are aware that there's restrictions on that site because its pre existing non conforming so I think previous in 2013 we approved this the last no more than 15 car /vehicles on site, your aware of that? Also you're not going to have any kind of sales?

**Scott Fredette:** No

**John Higgins:** So it's strictly repair and you're not getting a dealers license for sales?

**Scott Fredette:** No, nope.

**John Higgins:** Are you going to get a sign?

**Scott Fredette:** I would like to.

**John Higgins:** That's a different permit if you do.

**Scott Fredette:** Yes I realize that.

**Rich Berkowitz:** All your painting is done with in the building?

**Scott Fredette:** Yup.

**John Higgins:** Previously, it's coming to mind the neighbor for this site again for this approval was concerned about noise early in the morning and late at night, what are your hours going to be?

**Scott Fredette:** 8 -5 90 % of the day they're from like 8 till like 3 I'm not in there on weekends.

**John Higgins:** ok

**Scott Fredette:** I'm not there making any noise any earlier or later than 5.

**John Higgins:** Yea cause that was one of the concerns one of the neighbors expressed when we did the approval last on this.

**Marcel Nadeau:** Any other questions?

**Rich Berkowitz:** I make a motion to approve the Change of Tenant and Use

**Lyn Murphy:** Is that with the same conditions

**Rich Berkowitz:** With the stated conditions that we discussed earlier.

**John Higgins:** The same conditions from the September 2013?

**Rich Berkowitz:** As long as there is no expansion of use of the non-conforming use. Pre-existing non-conforming.

*Rich Berkowitz made a motion to approve Fredette's Auto body's Change of Tenant /Use application with the stated conditions earlier from the September 2013 approval of no expansion of the pre-existing non conforming use. John Higgins seconded. Motion Approved.*

**Scott Fredette:** Thank you guys have a good day.

### **16.130                    Aldi Halfmoon, 1681 Route 9- Amendment to Site Plan**

**Chris Kamar:** Good evening my name is Chris Kamar I'm with APD Engineering and Architecture also with me is John Daniels from APD and also Bruno Lorenzo with Aldi. We are in front of the board tonight to review a proposal for an expansion to the existing Aldi 1681 Route 9. Essentially the long wall of the building that faces Caputos Pizzeria we're going to be bumping that wall out about 19'ft 4 " The expansion is 3,286 sq ft. to be able to do that we need to be able to remove the parking where the proposed expansion is going to be as well as turn the drive aisle in front of the store into a one way drive aisle and a one way parking. Some of our parking spaces will be reduced, 24 of them to be exact to 9ft wide they are the outer most parking area along route 9 and also the last four one way parking spaces toward our loading dock. Essentially thats our proposal we are going to change out the light fixtures from Metal Haloed to LED, but the height and number of fixtures and location of the fixtures will remain the same, its strictly a cost savings upgrade for Aldi. With this expansion internally to the store they will add a whole another aisle to their grocery store and be able to service their existing customers a little bit better and provide a little bit more variety. Parking wise per code based on the building size of total building size of 18,466 which is what the building will be when its fully built out, I believe we need 98 parking spaces and we're proposing 85 so we are looking for a

waiver from the Planning Board in order to reduce the amount of parking slightly. Aldi's been here a number of years and they do realize how many spaces they do need to operate, 85 is their target range for a new store, actually their newest stores about 19, 054 sq ft. and they are shooting for 85 parking spaces. So this is a little bit less than that and it's a store that's already established and they feel that 85 will work well with them. They do have an easement with the neighboring property to be able to park on their lot and vice versa also with truck movements and truck deliveries they are able to pull across the street into the back of the lot next door and then back into the Aldi's dock and vice versa they both use that same pattern. We did run the truck turning movements for a 40 ft long pumper truck, fire truck they are able to get into the site both down the one way and around the site on the short side which is where the Siamese connection is located. And if the board has any questions I would be more than happy to answer them for you.

**Marcel Nadeau:** So you're saying that the loading dock would not interfere with the traffic as the one way traffic coming out of there?

**Chris Kamar:** That is correct. The truck turning movements as it exists today will remain today the same pattern we are not changing that.

**Marcel Nadeau:** Ok, is there a stop sign at that entrance, exit, well the exit way at this point?

**Chris Kamar:** There is a stop sign exiting in the parking area over there but I think it's more on the internal side so it is stopping traffic before they get into that intersection.

**Rich Berkowitz:** You might want to consider moving that sign, I see you have a do not enter sign there also, and I would just consider moving it out cause if your coming around that corner and your used to going there your not gonna see that until your in the parking lot and you might want to get a second do not enter sign for on the other side of that cause there's a tree there that you might want to trim anyway because that blocks traffic it blocks your visual from the road.

**Chris Kamar:** Ok

**Marcel Naedau:** Is that on their property or Lowe's?

**Rich Berkowitz:** That's on their property, well I don't know, I don't know where the dividing line is.

**Marcel Nadeau:** Because we have had it trimmed before and I don't know.

**Rich Berkowitz:** You still have trouble coming in.

**Marcel Nadeau:** When we had that done was it Lowe's?

**Richard Harris:** Lowe's yes.

**Rich Berkowitz:** That was Lowe's? Ok. Also during the original evaluation process we discussed and I connected between your property and St. Johns Plaza and I can't remember exactly what became of that but I was wondering if you, if we could reconsider that St. Johns Plaza would agree to that also.

**Chris Kamar:** St. John's if you're looking at the plan

**Rich Berkowitz:** We're looking, see where the handicapped spots are, That's it right there, we did request an easement there for dual access and it never occurred I was just wondering if you would

consider that if the engineering works out properly cause I know there is a bank there also on the other side.

**John Higgins:** Also the way I'm calculating it only 27 of the parking spots are going meet the town requirement so you're asking for all of the rest of the spots to be smaller in addition, the fact that you'll have 18 spots that are off site. Normally we just allow exceptions to the parking size for employee parking or parking where those spots are going to be used that often. The 27 spots that you have in front from experience I know that they get used a lot and along with the ones along where you are doing the expansion.

**Chris Kamar:** Yea when we were just there a little while ago rush hour Monday night shopping we counted 32 cars parked in the lot. And the spaces that we chose to go down to 9 ft wide are the furthest spaces away from the store that we could manage with out being off our parcel.

**John Higgins:** But the ones along the angle parking that parking that parking over there gets used a lot.

**Chris Kamar:** Yea and just the last four spaces in that row are the spaces that we chose to be 9 ft wide. The rest of them the other 10 spaces in that row are 10 ft wide.

**John Higgins:** It's now showing on this drawing that I'm looking at.

**Chris Kamar:** We issued a revised site plan, which I believe is being shown on the board.

**John Higgins:** So the four, the last four spots are the only ones that are going to be 9 ft wide?

**Chris Kamar:** Yea, I'll point to them with the laser pointer, so all these spots here are all 10 ft wide and then from this spot, 1,2,3,and 4 are going to be 9 ft wide and then the 20 spaces along the outside right here would be 9 ft wide as well. We made that revision so that we could keep the 9ft wide parking on Aldi's parcel and not on the neighboring parcel, we didnt want to have to get any agreement with the neighboring property owner, any further easement agreement than we already have.

**Marcel Nadeau:** John I believe we've allowed 9 spots previously.

**John Higgins:** Oh we have Marcel, I agree, I'm just, ya know the percentage is just extremely high I can understand ya know them wanting the smaller spaces but I guess I was just wondering weather or not he really needed the full 85 spaces is what I'm questioning.

**Chris Kamar:** 85 is the target number of spaces is what Aldi likes with their newer stores and with their 5 Aisle stores which is what this would go up to, we really don't want to reduce to less than that not that they'll fill up the lot on everyday occurrences but during the holiday season it would like the additional spaces for overflow.

**Tom Koval:** Is there any changes to the signage or is it all the same existing, I don't recall it saying food Market currently but.

**Chris Kamar:** It does not there will be a new food market sign that does go up on the canopy.

**Tom Koval:** You will be coming in for a separate permit for that?

**Chris Kamar:** That is correct.

**Tom Koval:** Ok.

**Marcel Nadeau:** Any other questions? I think we refer this to Clough Harbor for review.

**Richard Harris:** And this does need to go to county, it needs to go to County Planning Board also. Ok.

**Chris Kamar:** Ok , Thank you, thank very much.

*The Board referred Aldi's Site Plan Amendment to the County Planning Board for further review.*

**16.116/16.138            79 Ushers Road Subdivision, 79 Ushers Road -Minor Subdivision & Special Use Permit.**

**Jeff Williams:** Jeff Williams Bruce Tanski Construction and Development, I'm here with the applicant Mr. Bruce Tanski. 79 Ushers Road is a 29.43-acre parcel. We wish to subdivide that into two parcels. This parcel is in the towns light industrial commercial zone and this lot also had a single-family residence on it at one time, it burned down and has been recently removed this summer. Our proposed subdivision consists of Lot 1 being 2.06 acres with 225 ft of width and we are proposing a single family home on that structure. Lot 2 would be the remainder the 27.37 acres with 158 ft of width and also a single family home is being proposed on this lot, due to that we are proposing residential uses on a light industrial commercial use this is also a special use permit request, plus this are is served by public sewer the sewer main runs behind these, or actually bisects this lot that will be behind the living section of the lot. Also the Zim Smith Trail is also behind or bisects these lots. Each lot will be served by public sewer and have a private well, and then I guess as our proposal tonight we are hoping to set up a public hearing for both special use and subdivision.

**Marcel Nadeau:** Board members any questions?

**John Higgins:** made a motion to set a public hearing for September 26, 2016.

**Marcel Nadeau:** Yes we are pushing it to the 26th because we have a large public hearing on the 12th. So we're moving it up to the 26th.

*John Higgins made a motion to set a public hearing for the 79 Ushers Road Minor Subdivision and Special Use Permit. Tom Koval seconded. Motion Approved.*

**16.117                    91 Pruy Hill Road Subdivision, 91 Pruy Hill Road - Minor Subdivision**

**Jeff Williams:** Jeff Williams Bruce Tanski Construction and Development, I'm here with the applicant Mr. Bruce Tanski. 91 Pruy Hill Road is a 2.04-acre parcel we wish to subdivide that as a two parcels. This is zoned agricultural residential, it has public water and private septic the first lot Lot A is a proposed flag lot it has 40ft of road frontage and the parcel will be 1.02 acres. The second lot Lot B has an existing 1,800 sq ft. brick ranch house on it that will remain, this lot will also be 1.02 acres. There are shed represented on this site plan your looking at those shed have been removed. Once again these lots meet the minimum lot requirement for AR and we are hoping to set a public hearing tonight.

**Marcel Nadeau:** Any questions from the boar?

**John Higgins:** Are you sure about that septic? Where its located for Lot A?

**Bruce Tanski:** Yea

**John Higgins:** ok cause I thought it was further back Bruce, you might wanna make sure its not on the other lot.

**Marcel Nadeau:** Any other questions?

*John Higgins made a motion to set a Public Hearing for Sept 26, 2016. Tom Ruchlicki seconded. Motion Approved.*

**Old Business:**

**16.124      Carol Jean Estates (Parcland PDD) Carol Jean Lane / Cemetery Road - Site Plan**

**Jeff Williams:** Jeff Williams Bruce Tanski Construction and Development, I'm here with the applicant and owner Mr. Bruce Tanski. Parcland was created in 1996 it has since been renamed Carol Jean estates. Carol Jean Estates is located off of Cemetery Road. It currently has 12 8-unit apartment buildings for a total of 96 units on 11.62-acre parcel. Some of the milestones we met during this process when we first introduced this concept to the town board in February, we worked with the planning board and Clough Harbor and finally got a recommendation back in June. In July the town board held a public hearing and granted the amendment to the pdd so we are here tonight for final consideration. The proposal is 2 parts. First part is to add a 0.6 acres of land to the existing boundaries of the pdd that will bring it to 12.22 acres and then the second part is to add an additional 8 unit apartment building in the general vicinity of that added land that will bring the total units up to 104 units. All the improvements will be done on site that's meaning the utility connections, water, sewer and gas will be connected within the boundaries of the existing pdd. The proposed parking for the new building will be connected to the existing and private road system. There will be no changes to the ingress and egress thats already there to Cemetery Road. All storm water will be treated on site. We received an August 19th letter from Clough Harbor stating that all their recent comments have been addressed and we are here tonight for final approval.

**Marcel Nadeau:** Any questions from the board?

*Rich Berkowitz made a motion to approve Carol Jean Estates Site Plan application. Tom Ruchlicki seconded. Motion Approved.*

**Jeff Williams:** Thank you.

*Tom Ruchlicki made a motion to Adjourn the meeting at 7:30 pm. John Higgins seconded. Meeting Adjourned.*